UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

EVERGREEN PARTNERING GROUP, INC.,) CIVIL ACTION	DCG
Plaintiff,) No. 1:11-cv-10807-	-RGS
)	
V.)	
)	
PACTIV CORPORATION; GENPAK, LLC;)	
DOLCO PACKAGING a TEKNI-PLEX)	
COMPANY, a corporation;)	
SOLO CUP COMPANY, a corporation;)	
DART CONTAINER CORPORATION: and)	
AMERICAN CHEMISTRY COUNCIL,)	
an association,)	
)	
Defendants.)	
)	

AMENDED STIPULATION OF DISMISSAL WITH PREJUDICE AND WITHOUT COSTS

Pursuant to Fed. R. Civ. P. 41(a)(1), plaintiff Evergreen Partnering Group, Inc. and defendant Genpak, LLC hereby voluntarily agree and stipulate to the dismissal of this action with prejudice as to Genpak only, each party to pay its own costs and attorney's fees.

The other defendants agree to this stipulation subject to the following condition, to which said defendants, plaintiff and defendant Genpak, LLC agree:

In the event that the motions for summary judgment of the remaining defendants are denied (in whole or in part), then plaintiff will produce to said remaining defendants the settlement agreement between plaintiff and Genpak (and all addenda, supplements and related agreements thereto) within fourteen days of the Court's ruling on summary judgment. Plaintiff may designate the settlement agreement and related materials as confidential pursuant to the protective order entered in this action.

By their attorneys,

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Counsel for Defendants

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Dated: December 30, 2014

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that a true and correct paper copy of the foregoing will be sent those indicated as non-registered participants via first class mail, postage prepaid on this the 30th day of December, 2014.

/s/ Gregg A. Rubenstein

Gregg A. Rubenstein